IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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| IP INNOVATION L.L.C. AND TECHNOLOGY LICENSING CORPORATION,<br><br>Plaintiffs,<br><br>v.<br><br>RED HAT INC., and NOVELL INC.,<br><br>Defendants . | Case No. 2:07-cv-447<br><br>JURY TRIAL DEMANDED |

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, IP Innovation L.L.C. and Technology Licensing Corporation (collectively "Plaintiffs") complain of defendants Red Hat Inc. ("Red Hat") and Novell Inc. ("Novell") as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

2. IP Innovation L.L.C. ("IPI") is a Texas limited liability company with a place of business at 707 Skokie Boulevard, Suite 600, Northbrook, IL 60062.

3. Technology Licensing Corporation ("TLC") is a Nevada corporation with a principal place of business at 1000 E. William Street, Suite 204, Carson City, Nevada 89701.

4. Together, Plaintiffs own the right, title and interest in and have standing to sue for infringement of: United States Patent No. 5,072,412, (the "'412 Patent") entitled "User Interface With Multiple Workspaces for Sharing Display System Objects" which issued on December 10,

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1991; United States Patent No. 5,533,183, (the "'183 Patent") entitled "User Interface With Multiple Workspaces for Sharing Display System Objects" which issued on July 2, 1996; and United States Patent No. 5,394,521, (the "'521 Patent") entitled "User Interface With Multiple Workspaces for Sharing Display System Objects" which issued on February 28, 1995. The '412 Patent, '183 Patent and '521 Patent are attached hereto as Exhibits A, B, and C, respectively.

5. Red Hat Inc. is a North Carolina Corporation that has its principal offices at 1801 Varsity Drive, Raleigh, NC 27606.

6. Novell Inc. is a Delaware Corporation that has its principal offices at 404 Wyman St., Suite 500, Waltham, MA 02451.

7. Red Hat and Novell transact business in this judicial district and have committed acts of infringement in this judicial district, at least by selling and offering for sale their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server which are accused of infringing the '412 Patent, the '183 Patent and the '521 Patent in this case, as well as conducting other business in this judicial district.

8. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

9. Red Hat and Novell have infringed, and are now directly infringing at least claim1 of the '412 Patent through, among other activities, the use, sale, offer for sale of their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server. Red Hat and Novell have also infringed at least claim 1 of the '412 Patent by knowingly and actively inducing others to infringe, by contributing to the infringement of others and by intentionally aiding, assisting and encouraging the infringement of

others through the sale, and offer for sale of their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server.

10. Red Hat and Novell have infringed, and are now directly infringing at least claim 3 of the ‘183 Patent through, among other activities, the use, sale, offer for sale of their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server. Red Hat and Novell have also infringed at least claim 3 of the ‘183 Patent by knowingly and actively inducing others to infringe, by contributing to the infringement of others and by intentionally aiding, assisting and encouraging the infringement of others through the sale, and offer for sale of their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server.

11. Red Hat and Novell have infringed, and are now directly infringing at least claim1 of the ‘521 Patent through, among other activities, the use, sale, offer for sale of their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server. Red Hat and Novell have also infringed at least claim 1 of the ‘521 Patent by knowingly and actively inducing others to infringe, by contributing to the infringement of others and by intentionally aiding, assisting and encouraging the infringement of others through the sale, and offer for sale of their respective products: the Red Hat Linux system; the Novell Suse Linux Enterprise Desktop; and the Novell Suse Linux Enterprise Server.

12. Red Hat’s and Novell’s infringement, contributory infringement and inducement to infringe has injured Plaintiffs and Plaintiffs are entitled to recover damages adequate to compensate them for such infringement, but in no event less than a reasonable royalty.

13. Red Hat and Novell have received notice of their infringement of the ‘412 Patent, the ‘183 Patent and the ‘521 Patent pursuant to 35 U.S.C. §287.

14. Red Hat's and Novell's infringement, contributory infringement and inducement to infringe has been willful and deliberate and has injured and will continue to injure Plaintiffs, unless and until this Court enters and injunction prohibiting further infringement of the '412 Patent, the '183 Patent and the '521 Patent.

WHEREFORE, Plaintiffs IP Innovation LLC and Technology Licensing Corporation respectfully request this Court enter judgment against defendant Red Hat, Inc., and Novell, Inc., and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with it, granting the following relief:

A. The entry of judgment in favor of Plaintiffs and against the defendants;

B. An award of damages adequate to compensate Plaintiffs for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

C. A finding the Red Hat's and Novell's infringement has been willful and an award of increased damages as provided by 35 U.S.C. § 284;

D. A finding the Red Hat's and Novell's infringement has been willful and an award of increased damages as provided by 35 U.S.C. § 285;

E. A permanent injunction prohibiting further infringement, inducement and/or contributory infringement of the '412 Patent, the '183 Patent and the '521 Patent; and,

F. Such other relief that Plaintiffs are entitled to under law and any other further relief that this Court or a jury may deem just and proper.

**Jury Demand**

Plaintiffs demand a trial by jury on all issues presented in this complaint.

Respectfully submitted,

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